



Docket No.: 240598US8

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/624,513

Applicants: Hidetoshi KAYAMA, et al.

Filing Date: July 23, 2003

For: TRANSMISSION POWER CONTROL METHOD, RADIO
COMMUNICATION SYSTEM, BASE STATION AND MOBILE
STATION

Group Art Unit: 2416

Examiner: HAILE, FEBEN

SIR:

Attached hereto for filing are the following papers:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **\$0.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. **15-0030**. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "Lytle".

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Docket No.: 240598US8/jkl

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hidetoshi KAYAMA, et al.

SERIAL NUMBER: 10/624,513

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EXAMINER: HAILE, FEBEN

FOR: TRANSMISSION POWER CONTROL METHOD, RADIO COMMUNICATION SYSTEM, BASE STATION AND MOBILE STATION

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowability of January 7, 2009, Applicants respectfully submit the following comments.

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowance mailed January 7, 2009, paragraph 1 states in part:

A substantial search of the field of invention failed to provide any prior art of record that discloses, teaches, and/or fairly suggests "switching between a first control and a second control method based on the measured traffic volume in the base station; and transmitting a notification signal for notifying the measured traffic volume of the packet signals and the control method selected by the switching, and judging whether to transmit an acknowledgement signal indicating that received power of an access control signal indicating that a received power of an access control signal received from the mobile station satisfies a predetermined condition" as specifically described in the independent claims of the instant application. Therefore, the claimed invention is patentable over the prior art of record.

Although the above comment seems to be directed to Claims 1 and 2, it is respectfully submitted that independent Claims 3, 4, 9 and 10 do not include all of the elements recited

above. For example, Claims 3, 4, and 9 recite a system or a base station comprising “a switcher configured to switch” and not a method comprising “switching.” Also, Claim 10 recites a “mobile station” which comprises “an extractor” and not a method of “switching” based on “traffic volume in a base station.” Accordingly, it is respectfully submitted that the above quoted statement applies only to independent Claims 1 and 2, and not to independent Claims 3, 4, 9 and 10 (claims dependent therefrom).

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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